

# Comhairle Chontae Atha Cliath Theas

PR/1537/22

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0388      **Application Date:** 11-Oct-2022  
**Submission Type:** New Application      **Registration Date:** 11-Oct-2022

**Correspondence Name and Address:** CDP Architecture 4, The Mall, Main Street, Lucan, Co. Dublin

**Proposed Development:** Stand-alone, portable drop in structure which can house new kitchen with adequate space for 3 staff members in the upper car park, this unit is 6m x 4m in size and can be moved if necessary.

**Location:** Parkside Childcare, Rear of 20 Fonthill Abbey, Ballyboden Road, Rathfarnham, Dublin 14

**Applicant Name:** Parkside Childcare Limited

**Application Type:** Permission

(EW)

### Description of Site and Surroundings:

Site visits: 23/11/2022

Site Area: 0.179 Hectares.

#### Site Description:

The subject site is located on the Ballyboden Road, and comprises No. 20 Fonthill Abbey, a two-storey house (now in use as a crèche) and a number of single-storey buildings to the rear, all in use as crèche buildings, with outdoor play areas.

Substantial areas both to the front of the main building and to the rear of the site are in use as parking, and the site has been substantially tarmacadamed.

#### Proposal:

The proposal consists of *Permission* for the following:

- Stand-alone, portable drop in structure which can house new kitchen with adequate space for 3 staff members in the upper car park, this unit is 6m x 4m in size and can be moved if necessary.

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### Zoning:

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve residential amenity'.

### Consultations:

*Roads Department:* No objections subject to conditions.

*Water Services:* Further Information Requested.

*Irish Water:* Further Information Requested on foul.

*EHO:* No objections.

*Parks:* No report received.

### *SEA Sensitivity Screening*

Indicates overlap with SFRA Flood Zone A.

### Environmental Impact Statement (EIS):

Not required.

### Submissions/Observations /Representations

No submissions received.

### Relevant Planning History

**SD19A/0357 - Grant** permission to amend the occupancy numbers of the previously granted planning application Reg. Ref. SD17A/0361 which stated a maximum of 134 children to be accommodated on the premises; as per the approved layouts on the planning applications Reg. Ref. S94A/0513, SD17A/0361 and SD18A/0354, the subject application seeks to amend the maximum occupancy numbers to 155 children.

SD18A/0354 - **Grant** permission for **retention** of existing structure and **retention** of crèche use of Block 3 of existing single storey building, area circa 27sq.m.

**SD17A/0361: Grant** permission and **grant** retention for:

- Block 1: consists of previously approved planning permission for crèche under Reg. Ref. S94A/0513 granted in 1995, proposed works include the demolition of the existing single storey extension with the proposed construction of new single storey extension together with the provision of a disabled wc within the existing footprint;
- Block 2: Retention permission is sought for crèche use in single storey building, area circa 120sq.m;

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- Block 3: Retention permission is sought for crèche use in single storey building, area 27sq.m;
- Block 4: Retention permission is sought for crèche use in the 2 storey detached building, area circa 247sq.m.
- Planning is also sought for new single storey single rear extension and minor internal amendments and to enlarge the existing play area and for the provision of a new disabled wc and children's toilets accessed from the play area.
- Retention permission for 21 car parking spaces.
- Planning is sought to widen the existing entrance off Ballyboden Road. All with associated site works and drainage.

**S00A/0566:** Planning permission **granted** for the construction of 2 mews type houses and the works will include the demolition of existing outbuildings, the sub-division of the property and the construction of 2 entrances from Ballyboden Road, one to access the main house and the second to access the proposed mews houses and the existing children's day-care unit.

The planner's report noted:

*'The site has a stated area of 2023sq.m and comprises a main dwelling house and several pre-fab style outbuildings to the rear which are in use as a day-care centre for children.'*

The above permission was granted subject to conditions but was not implemented.

**S94A/0513:** Retention planning permission **granted** for a children's day care use in structure to rear.

*'The structure referred to is a bungalow style building, laid out to provide large day care activities, and ancillary rooms. Access is gained via the existing access through No. 20 Fonthill Abbey to a car parking and circulation area.'*

*A children's play area facility is also laid out adjacent to the dwelling's garden.'*

This building, of which the structure and use is permitted, is that referred to as Block 1 in the current application.

### Relevant Enforcement History

S8524 – Structure to the rear which may not be exempt, Open, last action 03-Sep-2020.

### Pre-Planning Consultation

No pre-planning consultation was held in relation to the development.

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### Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage, and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Chapter 12 Implementation and Monitoring

8.9 Early Childhood Care and Education Facilities

South Dublin County Council supports the sustainable development of good quality and accessible childcare and early education infrastructure in the County. Childcare facilities are taken to encompass full-day care, sessional facilities and after school services.

- Policy COS7: *Childcare Facilities Support and facilitate the provision of good quality and accessible childcare facilities at suitable locations within the County in consultation with the County Childcare Committee.*
- COS7 Objective 1: *To support and facilitate the provision of childcare facilities on well located sites within or close to existing built-up areas, including adjacent to school sites, and within employment areas where the environment is appropriate, making provision to encourage sustainable transport, consistent with NPO 31 of the NPF.*
- COS7 Objective 4: *To support investment in the sustainable development of the County's*

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*childcare services as an integral part of social infrastructure provision, including support of the Affordable Childcare Scheme; ensuring quality and supply of sufficient childcare places; and support of initiatives under a cross-Government Early Years Strategy, consistent with RPO 9.20 of the RSES*

- COS7 Objective 5: *To support the provision of small-scale childcare facilities in residential areas subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic and parking management.*
- COS7 Objective 6: *To support the provision of childcare facilities within or co-located with community buildings, such as community centres and schools.*

### 12.8.4 Early Childhood Care and Education Facilities

Planning applications for childcare and early educational facilities should include full details in order to allow understanding of the nature and extent of the proposed development. Planning applications will be assessed on the basis of the following factors:

- Nature of the facility (full day care, sessional, after school, and so on);
- Number of children to be catered for; à Number of full-time and part-time staff;
- Intended hours of operation;
- Impact on residential amenity, taking into account factors such as noise, traffic and parking;
- Suitability of the site for the type and size of facility proposed;
- Availability of indoor and outdoor play space;
- Accessibility to public transport, walking and cycling routes;
- Local traffic conditions;
- Access, car parking and drop off facilities for staff and customers

### 12.8 Community Infrastructure and Open Space

#### 12.8.5 Education Facilities

#### 12.7.4 Car Parking Standards

#### 12.11.3 Waste Management

Provision for the storage and collection of waste materials shall be in accordance with the guidelines for waste storage facilities in the relevant Regional Waste Management Plan and the design considerations contained in Section 4.8 and 4.9 of the guidelines Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DHLGH (2020).

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Refuse storage for houses should be externally located, concealed / covered and adequate to cater for the size and number of bins normally allocated to a household. For terraced houses, the most appropriate area for bins to be stored is to the front of the house, which should be located in well-designed enclosures that do not detract from visual amenity;

Access to private waste storage in residential schemes should be restricted to residents only.

### National Guidelines & Policy relevant to Development Management in SDCC

#### Ministerial Guidelines and Policy

**Project Ireland 2040 National Planning Framework**, Government of Ireland (2018).

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

**Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**, Department of the Environment and Local Government (2009).

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)  
**Quality Housing for Sustainable Communities-Best Practice Guidelines**, Department of the Environment, Heritage and Local Government (2007).

**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

**Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities**, Department of the Environment, Heritage and Local Government, (2009).

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**The Planning System and Flood Risk Management - Guidelines for Planning Authorities,** Department of the Environment, Heritage and Local Government & OPW, (2009).

### Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Impacts on residential and visual amenity,
- Access and car parking,
- Services and drainage,
- Environmental health, and
- Appropriate Assessment.

### ***Zoning and Council Policy***

The proposed site is subject to zoning objective 'RES', which seeks 'to protect and/or improve Residential Amenity'. A stand-alone, portable drop in structure which can house a new kitchen as 'ancillary' to the primary and existing use as a *childcare facility* is considered 'Permitted in Principle' in areas zoned 'RES'.

Given that the proposed development would serve existing staff members of the childcare facility and would not serve additional uses, it is considered that the proposed portable structure represents an ancillary use that would serve the existing primary use. It is also considered that the scale of the ancillary portable structure (circa 24 sq.m) would equate to a minor intensification of this established use and, given that childcare uses are listed as permitted in principle, the principle of the proposed development is acceptable subject to condition of temporary permission and to compliance with the relevant policies, standards and requirements of the South Dublin Development Plan 2022-2028 and Government Childcare Guidelines.

It should be noted that there is significant policy support for the provision of existing and additional childcare services within the current County Development Plan. Of paramount importance is compliance with the criteria detailed within Section 12.8.4 Early Childhood Care and Education Facilities

- COS7 Objective 5: *To support the provision of small-scale childcare facilities in residential areas subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic and parking management.*

In addition, Section 12.8.4 'Early Childhood Care and Education' states that the Planning Authority must have regard to the impact on residential amenity, when considering childcare facilities and ancillary structures to the primary use. The issue of residential impacts will be assessed within the 'Impact on residential and visual amenity' section below'.

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### *Impact on Residential Amenity*

The proposed development would be located in the furthest southeast area of the site adjacent to the southern boundary wall. The rear gardens of dwellings to the south and open space from Willbrook Estate to the east surround the site at the south end. Notwithstanding this, the extensive landholding and rear garden plots of the application site and the surrounding house to the west would mitigate against potential disturbance from the proposed development. The portable structure's proximity to the southern boundary that is adjacent to the residential cul de sac at No. 72 Willbrook Estate is noted. However, it is deemed that the structure of 6m x 4m in size (circa 24 sq) with a mono-pitched roof of 2.8m in height is recessed back 0.4m from the boundary wall. The wooden-cladded kitchen proposal facilities a portable kitchen facility for three staff members. The development is not considered overbearing or has a negative visual impact. The development is located within a substantial semi-detached house and is considered most suitable for the established childcare facilities and ancillary structure.

On this basis and by virtue of the temporary and ancillary nature of the proposal, which is minor in scale, the proposed development would not adversely impact surrounding residential amenities. Accordingly, it is recommended that conditions be attached to any grant that limits the hours of operation and duration of permission.

The hours of operation should be restricted in line with those prescribed by a condition under the parent permission of the childcare facilities (SD17A/0361) between 7.30am to 6.30pm., Monday to Friday.

The permission for the proposed development should also be limited in duration to 5 years. Such a condition would avoid establishing a precedent for piecemeal backland development in the rear gardens of the surrounding area.

### *Access and Car Parking*

It is considered that the structure will be used by existing staff only. Therefore, the proposed development is considered acceptable in terms of roads and parking issues, subject to conditions.

The Roads Department have no objections subject to the same conditions as attached on Reg. Ref. SD19A/0357.

The following conditions are suggested:

1. Crane operations may require a permit if articles are being moved through a public area.
2. Operations to be carried out in line with all relevant HSA guidelines & regulations.

### *Services & Drainage*

Reports were received from South Dublin Water Services Section and Irish Water and the which both state Additional Information as follows:



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- 1.1 The proposed development is located over an existing 375mm Surface Water sewer. Water services do not recommend that this development proceed. Submit a drawing in plan and cross-sectional view showing the setback distance from proposed development to existing 375mm surface water sewer. There shall be a minimum setback distance of 4m to the outside diameter of existing 375mm surface water sewer.

Flood Risk – No objection subject to standard conditions.

### *Irish Water*

1 Water (No Objection)

1.1 Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water. Reason: In the interest of public health and to ensure adequate water facilities.

2. Foul (Further Information Required)

2.1 Submit a drawing showing a minimum setback distance of 3m to proposed development from existing 225mm foul sewer adjacent to same (Proposed development).

2.2 Alternatively submit a confirmation of feasibility letter from Irish Water for proposed development to Water Services in South Dublin County Council.

2.3 Prior to the commencement of development the applicant or developer shall enter into a wastewater connection agreement(s) with Irish Water. Reason: In the interest of public health and to ensure adequate water facilities

The recommendations of the Surface Water Drainage Department and Irish water is noted, the Planning Authority deem that the applicant shall submit drawings to the Surface Water Drainage Department regarding a revised design that enables the site's development to coincide with the existing 225mm foul sewer prior to commencement of development, subject to **conditions**.

### *Environmental Health*

A report was received from the E.H.O, which states no objections subject to conditions.

### **Green Infrastructure**

The subject application provides for a temporary portable structure of 6m x 4m in size (circa 24 sq) and a modest temporary footprint on the subject residential site. The site boundary is not located within a Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028). A **condition** for surface water shall include for SuDS measures in the form of water butts.

Having regard to the modest temporary footprint on the subject residential site, with little intervention on existing greenery, the provision of SuDS measures, it is considered that the

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subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

### *Screening for Appropriate Assessment*

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a new dwelling.

Having regard to:

- the small scale nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### *Environmental Impact Assessment*

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### Other Considerations

#### *Development Contributions*

Use of temporary portable structure as a kitchen (ancillary to childcare facility). The existing structure measures 24 sq.m.

- Development contributions are not applicable.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Educational/Community – retention	24sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Greenfield	
Brownfield/Urban Consolidation	0.179 Hectares.

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### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the development proposed it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that the proposed would be in compliance with Council policy and the zoning objective which seeks to 'To protect and/or improve Residential Amenity' under the South Dublin County Council Development Plan 2022-2028.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Drainage - Surface Water.  
The Water Services Department have concerns that the proposed development is located over an existing 375mm Surface Water sewer.  
Prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:
  - (i) a drawing in plan and cross-sectional view showing the setback distance from proposed development to existing 375mm surface water sewer. There shall be a minimum setback distance of 4m to the outside diameter of existing 375mm surface water sewer.

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The disposal of surface water shall accord with the requirements of the Planning Authority as follows:

(a) The surface water generated by the development (roof and pavements) shall not be discharged to the sewer but shall be infiltrated locally, to a soakpit or similar. There shall be no overflow to the public network. The soakpit shall be designed to BRE Digest 365, shall be at a min. 5m from the house and shall have no impact on neighbouring properties.

(b) If the applicant does not consider a soakpit a feasible solution, the applicant shall prove that by submitting a report signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc), and shall propose an alternative SuDS measure for the written agreement of the Planning Authority thereafter for build-out

(c) Any changes to the parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath.

REASON: In accordance with GI4 Objective 1 of the County Development Plan 2022-2028 and the South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide.

### 3. Irish Water.

1.1 Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate water facilities.

### 2. Foul

Prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

2.1 Submit a drawing showing a minimum setback distance of 3m to proposed development from existing 225mm foul sewer adjacent to same (Proposed development).

2.2 Alternatively submit a confirmation of feasibility letter from Irish Water for proposed development to Water Services in South Dublin County Council.

2.3 Prior to the commencement of development the applicant or developer shall enter into a wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate water facilities.

### 4. Prior to the commencement of the development, the applicant is to consult with Tusla Child and Family Agency in order to provide details of the proposed development. The Planning Authority should be notified when this correspondence takes place.

Reason: In the interest of public health and safety.

### 5. Roads.

1. Crane operations may require a permit if articles are being moved through a public area.

2. Operations to be carried out in line with all relevant HSA guidelines & regulations.

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REASON: To ensure that the development is carried out with safety.

6. Permission

Permission is hereby granted for the temporary use of a single storey portable building for kitchen use of staff members only.

REASON: In the interest of clarity, consistency and the proper planning and sustainable development of the area.

7. Hours of operation

(a) Hours of operation shall be 7.30am to 6.30pm.

REASON: To limit the scale of the development and in the interest of residential amenity, and the proper planning and sustainable development of the area.

8. Permission is hereby granted for the temporary portable building for kitchen use and shall be for a period of 5 years only from the date of final grant of this permission. The temporary portable building shall be removed from the site on or before this date and shall be disposed of in accordance with the Waste Management Regulations 2007, as amended, and the site fully re-instated.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control of development be maintained.

9. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

10. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority,

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having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

### 11. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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### 12. Noise Tones During Evening and Night.

Clearly audible and impulsive tones at noise sensitive locations during evening and night time as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 (currently 19:00 – 07:00). shall be avoided irrespective of the noise level.

**REASON:** In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

**NOTE:** The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE:** The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

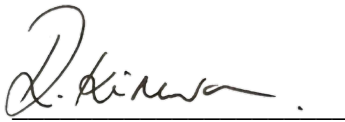
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**REG. REF. SD22A/0388**

**LOCATION: Parkside Childcare, Rear of 20 Fonthill Abbey, Ballyboden Road,  
Rathfarnham, Dublin 14**



**Deirdre Kirwan,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 05/12/22



**Gormla O'Corrain,  
Senior Planner**